

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on March 23, 2007 at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)

##### **Members Excused:**

Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David E. Wanzenried (D)  
Sen. Carol Williams (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 300, 3/20/2007; HB 423,  
3/20/2007; HB 455, 3/20/2007; HB  
641, 3/20/2007; HB 742, 3/20/2007  
Executive Action: HB 455; HB 423; HB 683; HB 579;  
HB 310; HB 256;

**HEARING ON HB 300**

**Opening Statement by Sponsor:**

00:01:27 REP. MIKE MILBURN (R), HD 19, opened the hearing on HB 300, Revise false statement provisions in alcoholic beverage licensing law.

**Proponents:**

00:05:44 Chuck Niswange

**Opponents:** None

**Informational Testimony:**

00:07:06 Keith Jones, Attorney, Department of Revenue

00:07:27 Shawna Helfert, Department of Revenue

**Questions from Committee Members and Responses:**

00:10:20 Sen. Laslovich to Rep. Milburn

00:13:57 Sen. Laslovich to Chuck Niswange

00:14:32 Sen. Laslovich to Keith Jones

00:18:16 Sen. McGee to Shawna Helfert

00:23:24 Sen. McGee to Rep. Milburn

00:24:25 Sen. McGee to Keith Jones

**Closing by Sponsor:**

00:25:21 Rep. Milburn

**HEARING ON HB 423**

**Opening Statement by Sponsor:**

00:26:21 REP. KEN PETERSON (R), HD 46, opened the hearing on HB 423, Increase license suspension period for refusing alcohol-drug test.

**Proponents:**

00:32:01 Kris Minard

00:33:16 Jim Smith, Montana County Attorneys Association

00:37:29 Rep. Peterson

**EXHIBIT(jus62a01)**

**Opponents:**

00:37:48 Bob Gilbert, Montana School Bus Carriers Association

00:41:33 Keith Allen, International Brotherhood of Electrical  
Workers

00:43:07 Jason Todhunter, Montana Logging Association

00:44:21 Willie Duffield, Independent Trucking Contractor

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:45:35 Sen. O'Neil to Rep. Peterson

00:51:19 Sen. McGee to Jim Smith

01:02:24 Sen. Laslovich to Rep. Peterson

**Closing by Sponsor:**

01:05:00 Rep. Peterson

**HEARING ON HB 455**

**Opening Statement by Sponsor:**

01:10:35 **REP. RON STOKER (R), HD 87**, opened the hearing on **HB 455**, Allow courts of limited jurisdiction to collect fines over time.

**Proponents:** None.

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:12:10 Sen. O'Neil to Rep. Stoker

01:14:33 Sen. Laslovich to Rep. Stoker

01:18:55 Sen. Laslovich to Pam Bucy, Assistant Attorney General,  
Department of Justice

**Closing by Sponsor:**

01:22:18 Rep. Stoker

**HEARING ON HB 641**

**Opening Statement by Sponsor:**

01:27:14 REP. JOHN MUSGROVE (D), HD 34, opened the hearing on HB  
641, Revise minor in possession law.

**Proponents:** None.

**Opponents:**

01:33:42 Trevor MacDonald, Beer Wholesaler

01:35:28 Kris Minard

01:36:59 Rep. Tom McGillvray

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:43:42 Sen. Moss to Rep. Musgrove

01:46:51 Sen. Laslovich to Kris Minard

01:53:41 Sen. Juneau to Kris Minard

**Closing by Sponsor:**

01:54:43 Sen. Musgrove

**HEARING ON HB 742**

**Opening Statement by Sponsor:**

02:09:23 REP. HOLLY RASER (D), HD 98, opened the hearing on HB 742, Revise law on testimony of disabled person in abuse and neglect case.

[EXHIBIT\(jus62a02\)](#)

[EXHIBIT\(jus62a03\)](#)

**Proponents:**

02:16:42 Pam Bucy, Assistant Attorney General, Department of Justice

02:19:41 Anita Roessmann, Staff Attorney, Montana Advocacy Program

[EXHIBIT\(jus62a04\)](#)

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:22:16 Sen. Shockley to Pam Bucy

02:24:38 Sen. McGee to Pam Bucy

02:25:00 Sen. O'Neil to Pam Bucy

02:30:15 Sen. McGee to Pam Bucy

02:35:09 Sen. Shockley to Pam Bucy

02:36:12 Sen. Laslovich to Pam Bucy

02:43:32 Sen. McGee to Pam Bucy

02:45:03 Sen. McGee to Anita Roessmann

02:47:23 Sen. Juneau to Pam Bucy

**Closing by Sponsor:**

02:48:33 Rep. Raser

02:55:26 Break

03:12:39 Resume

**EXECUTIVE ACTION ON HB 455**

03:13:16 **Motion/Vote:** SEN. MCGEE moved that HB 455 BE TABLED. Motion carried unanimously by voice vote. SEN. JUNEAU, SEN. WILLIAMS, SEN. PERRY, and SEN. WANZENRIED voted aye by proxy.

**EXECUTIVE ACTION ON HB 423**

03:14:19 **Motion:** SEN. JENT moved that HB 423 BE CONCURRED IN.

**Discussion:**

03:14:25 **Motion/Vote:** SEN. JENT moved that HB 423 BE TABLED. Motion carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. WILLIAMS, SEN. JUNEAU, SEN. WANZENRIED, and SEN. PERRY voted aye by proxy.

**EXECUTIVE ACTION ON HB 683**

03:15:42 **Motion:** SEN. PERRY moved that HB 683 BE CONCURRED IN.

**Discussion:**

03:16:02 Sen. McGee

03:17:51 Valencia Lane, LSD

03:18:37 Sen. McGee

03:19:37 **Motion:** SEN. MCGEE moved that CONCEPTUAL AMENDMENT BE ADOPTED.

**Discussion:**

- 03:20:10 **Motion/Vote:** SEN. MOSS CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, and SEN. JUNEAU voted aye by proxy.
- 03:20:40 **Motion/Vote:** SEN. MCGEE moved that HB 683 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, and SEN. JUNEAU voted aye by proxy. SEN. MOSS will carry HB 683.

**EXECUTIVE ACTION ON HB 579**

- 03:22:28 Sen. Laslovich
- 03:22:39 **Motion:** SEN. PERRY moved that HB 579 BE CONCURRED IN.
- Discussion:**
- 03:22:58 Sen. Shockley
- 03:23:08 Sen. O'Neil
- 03:24:51 Sen. McGee
- 03:25:10 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON HB 579. Motion carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. WANZENRIED, and SEN. WILLIAMS voted aye by proxy. SEN. SHOCKLEY will carry HB 579.

**EXECUTIVE ACTION ON HB 310**

- 03:26:12 **Motion:** SEN. MOSS moved that HB 310 BE CONCURRED IN.
- Discussion:**
- 03:26:31 Valencia Lane, LSD

**EXHIBIT(jus62a05)**

- 03:27:59 Sen. Perry
- 03:29:36 **Motion:** SEN. LASLOVICH moved that HB031001.AVL BE ADOPTED.

**Discussion:**

03:30:14 Sen. O'Neil

03:30:29 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON  
AMENDMENT. Motion carried unanimously by voice vote.  
SEN. WILLIAMS, and SEN. WANZENRIED voted aye by proxy.

03:30:49 **Motion:** SEN. MOSS moved that HB 310 BE CONCURRED IN  
AS AMENDED.

**Discussion:**

03:31:20 Sen. O'Neil

03:32:21 Sen. McGee

03:33:13 Sen. Laslovich

03:34:54 Aimee Grmoljez, Montana Bankers Association

03:36:08 Sen. Shockley

03:38:54 Sen. Perry

03:39:58 Sen. Shockley

03:41:54 Sen. Jent

03:42:12 Sen. Laslovich

03:42:48 Sen. Shockley

03:43:13 Sen. McGee

03:44:13 Sen. Laslovich

03:45:37 Sen. McGee

03:46:12 Sen. Laslovich

03:46:27 Sen. Perry

03:48:03 Sen. Laslovich

03:48:17 **Sen. Moss withdrew her motion.**

03:48:38 Sen. McGee



03:48:41 Sen. Curtiss

03:49:19 Sen. O'Neil

**EXECUTIVE ACTION ON HB 256**

03:50:43 **Motion:** SEN. MOSS moved that HB 256 BE CONCURRED IN.

**Discussion:**

**EXHIBIT**(jus62a06)

03:51:42 Sen. McGee

03:54:39 Sen. Moss withdrew her motion.

**ADJOURNMENT**

Adjournment: 11:55 A.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus62aad.pdf](#))**